

## EXHIBIT “A”

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Robert J. Moore  
 Tyson M. Lomazow  
 MILBANK, TWEED, HADLEY & McCLOY, LLP  
 1 Chase Manhattan Plaza  
 New York, NY 10005  
 Telephone No.: (212) 530-5367  
 Facsimile No.: (212) 822-5367

Peter C. Bernhard (Nevada Bar No. 0734)  
 Georganne W. Bradley (Nevada Bar No. 1105)  
 BULLIVANT HOUSER BAILEY PC  
 3883 Howard Hughes Pkwy., Ste. 550  
 Las Vegas, NV 89169  
 Telephone No.: (702) 669-3600  
 Facsimile No.: (702) 650-2995  
 E-Mail: [peter.bernhard@bullivant.com](mailto:peter.bernhard@bullivant.com)

Counsel for Compass Financial Partners LLC and  
 Compass USA SPE LLC

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE COMPANY, <div style="text-align: right;">Debtor.</div>	Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR  Chapter 11  Jointly Administered Under Case No. BK-S-06-10725 LBR  <b>DECLARATION OF BORIS PISKUN IN          SUPPORT OF MOTION OF COMPASS          FINANCIAL PARTNERS LLC FOR          ORDER PURSUANT TO 11 U.S.C. § 105          COMPELLING COMPLIANCE WITH          JUNE 20, 2007 RULING OF THE          BANKRUPTCY COURT</b>  Date: tbd Time: tbd
In re: USA CAPITAL REALTY ADVISORS, LLC, <div style="text-align: right;">Debtor.</div>	
In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, <div style="text-align: right;">Debtor.</div>	
In re: USA CAPITAL FIRST TRUST DEED FUND, LLC, <div style="text-align: right;">Debtor.</div>	
In re: USA SECURITIES, LLC, <div style="text-align: right;">Debtor.</div>	
Affects: <input type="checkbox"/> All Debtors <input checked="" type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Securities, LLC <input type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC <input type="checkbox"/> USA First Trust Deed Fund, LLC	

I, Boris Piskun, declare as follows:

1. I am a manager of Compass USA SPE LLC, and its servicer, Compass Financial Partners LLC (together, "Compass"), the purchaser of substantially all of the assets of USA Capital First Trust Deed Fund, LLC ("FTDF") and certain assets of USA Commercial Mortgage Company ("USACM"). I submit this declaration in support of the Motion of Compass Financial Partners LLC for Order Pursuant to 11 U.S.C. § 105 Compelling Compliance with June 20, 2007 Ruling of the Bankruptcy Court (the "Motion"). I have personal knowledge of the facts stated in this declaration and, if called upon to do so, would testify competently thereto.

2. By and through its Motion, Compass is requesting the Court enter an Order compelling compliance with its June 20, 2007 ruling, whereby the Court ruled that the purported May 18, 2007 termination of Compass as servicer of fifty (50) loans was ineffectual, and that Compass remains the loan servicer for all the Loans, subject to further Order of the Court. The Bankruptcy Court further ordered Donna Cangelosi to mail correspondence to the borrower in each loan subject of the purported termination (collectively, the "Borrowers") advising them Cangelosi's prior May 18, 2007 correspondence to such Borrowers was void and of no effect, and that Compass remains the exclusive entity authorized to act on behalf of the lenders on the loans, and all payments on the loans should continue to be made directly to Compass pending further order of the Court.

3. Notwithstanding this Court's May 31, 2007 and June 20, 2007 rulings, I have learned from certain lenders that purported "loan captains" and other members of Cangelosi's so-called "Lender Protection Group" continue to believe they are free to

contact Borrowers to directly negotiate resolution of their loans on behalf of all lenders in such loans, despite the explicit ruling of this Court to the contrary.

4. For example, one such purported “loan captain,” Kevin Olsen, sent out a communication to certain lenders on July 7, 2007 (the “July 7 Communication”) stating that “as of today we are over 51% of lenders who have decided to join either the LLC or sign the Loan Management Agreement (LMA) on Marlton Square I. What this means is we will organize ourselves this month (July) and meet directly with our borrower next month and do what is needed to collect our principal (along with back interest). I thank the majority of you who have stepped up to help us take back control. Now that we're organized, we can resolve our own loan repayment without outside interference.”

Attached hereto as **Exhibit “A”** is a true and correct copy of the July 7, 2007 Communication, as forwarded to me by a lender in the Marlton Square I loan.

5. These actions not only have damaged Compass, but they also damage the interests of the very Lenders Cangelosi purports to “represent.” The Court is well aware of Cangelosi’s willingness and ability to broadcast propaganda regarding these chapter 11 cases to Direct Lenders, and Compass intends to hold her directly accountable for the recent dissemination of mistruths, as well as the continued misrepresentations of her authority to the Borrowers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 24<sup>th</sup> day of July, 2007.

A handwritten signature in black ink, appearing to read 'B. Piskun', is positioned above a horizontal line.

Boris Piskun

LA1:#6356699v1

## EXHIBIT “A”

REDACTED



July7LPG-Compass  
Rebuttal.pdf (...)

-----Original Message-----

From: Kevin Olsen [mailto:olsen\_kevin@msn.com]  
Sent: Saturday, July 07, 2007 1:06 PM  
Subject: Marlton Square I -- Update and Response to CFP

Dear Fellow Marlton Square I Lenders:

As I continue as your interim loan captain until LeAnn's return, let me start with good news: as of today we are over 51% of lenders who have decided to join either the LLC or sign the Loan Management Agreement (LMA) on Marlton Square I. What this means is we will organize ourselves this month (July) and meet directly with our borrower next month and do what is needed to collect our principal (along with back interest). I thank the majority of you who have stepped up to help us take back control. Now that we're organized, we can resolve our own loan repayment without outside interference.

Many have asked me questions about the June 29, 2007 "Open Letter to Direct Investors" from Compass Financial Partners (CFP). I have attached to this e-mail the response from Lenders Protection Group (LPG). MY AND LPG'S RECOMMENDATION IS THAT YOU DO NOT SIGN CFP'S "Opt-in Form". Be advised, CFP is trying to mislead we lenders into signing a document that will keep CFP as loan administrator when well over 66% of us no longer want CFP as loan administrator.

The silver lining in all of this is now we lenders are back in control and we will work through the LLC's and asset recovery professionals to get our principal and interest (if possible) back in a timely manner without third party interference and obstructions.

Regards,

Kevin Olsen  
Interim Loan Captain  
Marlton Square I

702-822-0964

attachment

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<http://newlivehotmail.com>

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